

REMARKS

By this amendment, claims 1-30 are pending, in which claims 1, 7, 13-25 and 29 are currently amended. No new matter is introduced.

The Office Action mailed January 19, 2005 rejected claims 1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21, 24, 25, 27, 28, and 30 under 35 U.S.C. § 102 as anticipated by *Kozdon et al.* (US 6,456,601), claims 2, 8, 14, 20, and 26 as obvious under 35 U.S.C. § 103 based on *Kozdon et al.* in view of *Anjum et al.* (US Publication No. 2001/0028654 A1), and claims 5, 11, 17, 23, and 29 as obvious under 35 U.S.C. § 103 based on *Kozdon et al.* in view of *Hazenfield* (US 5,991,374). Further, claim 29 was objected to.

In response to the objection, Applicant has amended claim 29 to depend from independent claim 28.

Claims 14-18 and 20-24 were amended to correct discovered informalities.

In the interest of advancing prosecution, independent claims 1, 7, 13, 19, and 25 are amended. Amended independent claim 1 now recites “wherein the server is configured to generate a request message, in response to the hold condition, **for performing call control on behalf of the first client** by transmitting the request message to the other server to instruct the other server to transmit the content to the second client.” Claims 7 and 25, as amended, recite “generating a request message, in response to the hold condition, **for performing call control on behalf of the first client.**” Amended claim 13 recites “a processor coupled to the communications interface and configured to generate a request message, in response to the hold condition, **for performing call control on behalf of the first client** by transmitting the request message to a content server to instruct the content server to transmit content stored therein to the second client.” Also, amended claim 19 recites “means for generating a request message, in response to the hold condition, **for performing call control on behalf of the first client.**”

By contrast, *Kozdon et al.* discloses a system of providing call progress tones in a packetized network include storing the call progress tones and pre-programmed audio deliveries at a first device and includes multicasting or broadcasting the tones and deliveries from the first device to a number of telephony-enabled devices (Abstract and FIG. 2; see also col. 5: 29-63). Specifically, with respect to operation of the proxy server 40 (FIG. 2), *Kozdon et al.*, col. 5:32-53, states the following (*Emphasis Added*):

An alternative embodiment is shown in FIG. 2. The network environment includes two proxies 40 and 42 that are positioned so as to be near the points at which the call progress tones or audio deliveries are to be transmitted. The call progress tones and deliveries are still multicast from the **server 10** in combination with the router 12, but the **proxies are used to receive and process the multicasts**. In the scenario in which the telephone 24 is engaged in an ongoing call with the remote telephone 34, but the caller at the telephone 24 wishes to enter into a short consultation call with the person at telephone 16, the proxy 40 may be used. **When the original telephone call goes on hold, the first call is transferred to the proxy 40. The telephone 24 uses CTI messages to control the playback of the call progress tones or audio deliveries to the party at telephone 34 from the proxy 40.** The proxy 40 uses the system-wide multicast announcement service from the server 10. The proxies may be low cost devices, since they do not need to have the capability to create or store announcements, music-on-hold and call status tones. The proxy units may be small units, because they rely upon the multicast service.

As clearly indicated in the above passages, the proxy server 40 merely receives and processes the multicasts, while the called telephone 24 controls the call. Consequently, it is not possible that server 40 performs any call control, much less in the manner claimed.

Therefore, Applicant respectfully requests that the rejection under § 102 be withdrawn, as anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference. Based on the foregoing, it is clear that prior art does not anticipate amended independent claims 1, 7, 13, 19, and 25.

As regards the obviousness rejection of claims 2, 8, 14, 20, and 26, Applicant notes that the addition of *Anjum et al.* does not cure the deficiencies of the *Kozdon et al.* The *Anjum et al.*

is applied for a general teaching of the Session Initiation Protocol (Office Action, page 4, item 14).

With respect to the obviousness rejection of claims 5, 11, 17, 23, and 23, Applicant submits that the secondary reference of *Hazenfield* does not fill the gaps of *Kozdon et al.* The Office Action (page 5, item 19) applies *Hazenfield* for a supposed disclosure of selecting and generating content for music-on-hold systems.

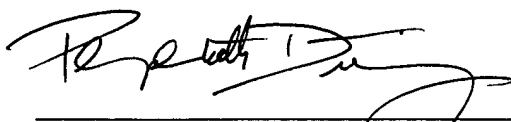
Accordingly, Applicant respectfully requests withdrawal of the obviousness rejections.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date


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